

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE

In re

Mary Rivers and Donald Rivers,

Debtors

Chapter 7

Case No. 13-21187

LAO Properties, LLC,

Plaintiff,

v.

Mary Rivers and Donald Rivers,

Defendants

Adversary Proceeding

Adversary Case No. 14-02009

APPLICATION FOR DEFAULT JUDGMENT

NOW COMES Plaintiff, LAO Properties, LLC (“Plaintiff”), by and through its counsel, and pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure, Rule 7055 of the Federal Rules of Bankruptcy Procedure, and Rule 9013-1 of the Maine Bankruptcy Rules, applies to this honorable Court for default judgment against Defendants, Mary Rivers and Donald Rivers (“Defendants”), jointly and severally. In support of this Application for Default Judgment, Plaintiff states as follows:

1. On February 25, 2014, Plaintiff commenced this adversary proceeding against Defendants, seeking a determination that certain obligations of Defendants to Plaintiff, as more particularly described in the Complaint, are nondischargeable under 11 U.S.C. §§ 523(a)(4) and/or 523(a)(6). The Complaint further contains objections to discharge pursuant to 11 U.S.C. § 727(a).
2. Defendants have been duly served with the Complaint and Summons but have failed to plead or otherwise defend this action.

3. As shown in Plaintiff's Affidavit and Request for Entry of Default dated March 31, 2014, Defendants are not incompetent or minors and are not in the military service of the United States.

4. As further set forth in the Affidavit and Request for Entry of Default, venue is properly laid in this Court.

5. A default against Defendants has been duly entered by the Clerk of this Court on April 2, 2014.

6. As shown by the accompanying Affidavit of Harold Anderson and exhibits thereto (all of which are incorporated herein by reference), the amount owed by Defendants, jointly and severally, to Plaintiff comes to One Hundred Seventy-Eight Thousand Two Hundred Thirty-Three Dollars and Nineteen Cents (\$178,233.19), plus interest and costs.

7. Notice of this application is being served upon Defendants and their counsel as well as the U.S. Trustee and Chapter 7 Trustee.

WHEREFORE, Plaintiff, LAO Properties, LLC, requests that this honorable Court enter judgment against Defendants, Mary Rivers and Donald Rivers, jointly and severally, in the amount of One Hundred Seventy-Eight Thousand Two Hundred Thirty-Three Dollars and Nineteen Cents (\$178,233.19), together with interest and costs.

DATED at Portland, Maine this 28th day of April, 2014.

/s/ David M. Hirshon _____
David M. Hirshon

/s/ Marshall J. Tinkle _____
Marshall J. Tinkle
Counsel for Plaintiff, LAO Properties, LLC

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